THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 26275 of 2007

Dated: 10.12.2007

Between:

Devsibhai Saw Mill and Depot,
Sattenpalli, Khanapur (M),
Adilabad District, rep., by Heeralal.

... Petitioner

AND

The Divisional Forest Officer,
Nirmal, Adilabad District.

... Respondent

Counsel for the petitioner : Sri B. Mahender Reddy

Counsel for the respondent : Government Pleader for Forest

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 26275 of 2007

ORDER:-

This writ petition is filed for a writ of mandamus to declare the action of the respondent in seizing the petitioner's sawmill on 16.05.2006, as illegal and arbitrary. The petitioner also sought for a consequential direction to the respondent to permit him to run the sawmill.

In the affidavit filed in support of the writ petition the petitioner stated that his sawmill was seized on 16.05.2006 on the allegation that 13 teak logs were found in the agricultural field nearby the sawmill and that notice dated 22.07.2006 was issued by the respondent fixing 08.08.2006 as the date of hearing. He also averred that he submitted his explanation on 08.08.2006 and on 16.03.2007 the respondent requested the Sub-Divisional Forest Officer to form a Special Party and conduct re-measurement of the timber in the premises of the petitioner's sawmill. It is also pleaded that in pursuance of the same, the said officer conducted re-measurement on various dates from 12.04.2007 to 22.05.2007 and submitted his report to the respondent on 18.08.2007.

The grievance of the petitioner is that though the respondent received the report from the Sub-Divisional Forest Officer and nearly four months have elapsed since then, the respondent has not finalized the enquiry and passed orders.

Having heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Forest, I find the grievance of the petitioner that the respondent is not completing the enquiry, is justified. Therefore, without going into the merits of the case, the writ petition is disposed of with the direction to the respondent to complete the enquiry initiated under notice Rc.No.2541/2006-N2 dated 22.07.2006 within a period of six weeks from the date of receipt of a copy of this order. Ordered accordingly.

As a sequel to disposal of the writ petition, WPMP.No.34261 of 2007 filed by the petitioner for interim relief is also disposed of as infructuous.

_____

C.V. NAGARJUNA REDDY, J

Date: 10.12.2007

Note:- Issue CC in three days.
B/o.
ES